

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
JUL 27 2017  
Clerk

WINSTON GREY BRAKEALL,  
Plaintiff,

Case No. 17-4101  
To be supplied by the Clerk

vs.

JENIFER STANWICK-KLIMEK  
JOHN KLIMEK  
DENNIS KACEMINGH  
ROBERT DOOLEY  
KELLY TJEEROSMA  
ANNIE ANTROBUS  
SD Dept. of Corrections Defendants.  
SD Dept of Health

APPLICATION TO PROCEED WITHOUT  
PREPAYMENT OF FILING FEES  
AND DECLARATION  
UNDER PENALTY OF PERJURY

Unknown SD Dept of Corr., SD Dept. of Health, CBM Food SERVICES EMPLOYEES

I, WINSTON GREY BRAKEALL, declare under penalty of perjury, that the following is true and correct; that I am the prisoner-plaintiff in the above entitled case; that in support of my request to proceed without prepayment of fees under 28 U.S.C. Section 1915, I declare that because of my poverty I am unable to pay the full costs of said proceedings or to give security therefore and that I am entitled to redress.

I further declare under penalty of perjury that the responses which I have made to the questions and instructions below are true, correct, and complete.

1. a. Where are you imprisoned? MIKE DUFFEE STATE PRISON, SPRINGFIELD, SD  
b. When did you begin your imprisonment there? JULY 2016  
c. When do you expect to be released? AUGUST 2034
2. Have you ever before brought an action or appeal in a federal court while you were incarcerated or detained? ☒ Yes ☐ No  
a. If so, state how many times: Once  
b. Were any of the actions or appeals dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted? ☐ Yes ☒ No  
c. Please note 28 U.S.C. § 1915(g), which provides:  
In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.
3. Are you presently employed in prison? ☐ Yes ☒ No  
a. If the answer is yes, state the number of hours you work per week and the hourly rate of pay:  
\_\_\_\_\_  
\_\_\_\_\_

b. If the answer is no, state the date of your last employment and the amount of hours you worked per week and the hourly rate of pay: Nov 2016 - 30 hrs, 25¢ per hour

4. Have you received, *within the past twelve months*, any money from any of the following sources?

a. Business, profession or form of self-employment? ☐ Yes ☒ No

b. Rent payments, interest or dividends? ☐ Yes ☒ No

c. Pensions, annuities or life insurance payments? ☐ Yes ☒ No

d. Gifts or inheritances? ☐ Yes ☒ No

e. Any other income (other than listed above)? ☒ Yes ☐ No

If the answer to any of the above is yes, describe such source of money and state the amount received from each source during the past twelve (12) months: Parents have provided \$1730.00

for commissary

5. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts, if applicable.) ☒ Yes ☐ No

If the answer is yes, state the total amount of cash owned. \$100.00

6. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

If the answer is yes, describe the property and state its approximate value: \_\_\_\_\_

7. List the persons who are dependent upon you for support; state your relationship to those persons, and indicate how much you contribute toward their support: \_\_\_\_\_

I understand that a false statement or answer to any question herein may subject me to criminal prosecution and penalties for perjury. I understand false statements herein may also adversely affect my ability to pursue this case or other cases. I further understand that perjury is punishable by a term of imprisonment of up to five (5) years and/or a fine of \$250,000 (18 U.S.C. Sections 1621, 3571).

I, Winston Grey Brakebelle, declare under penalty of perjury that the foregoing is true and correct.

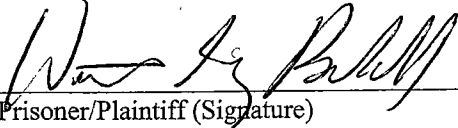
Dated this 7 day of AUGUST, 20 17, at SPRINGFIELD, SOUTH DAKOTA.  
(day) (month) (year) (City or County) (State)

Winston Grey Brakebelle  
Prisoner/Plaintiff (Signature)

### PRISONER AUTHORIZATION

If my request to proceed without prepayment of filing fees is granted, I understand that I am required by statute to pay the full amount of the filing fees for this case, regardless of my forma pauperis status and the disposition of this case. I further authorize the prison officials at this institution to assess, collect and forward to the Court the full amount of these fees, in monthly payments based on the average of deposits to or balance in my prison trust account in accordance with 28 U.S.C. Section 1915.

I understand I am responsible for the payment of the statutory filing and docketing fees at the time of filing a civil case or notice of appeal. The filing fee for a civil case is \$350.00 and the fee for an appeal is \$455.00. I understand I will be assessed the full filing fee even if my case is eventually dismissed.

  
Prisoner/Plaintiff (Signature)

NOTICE: A prisoner seeking to proceed in forma pauperis must submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.